IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-09-2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.43438, 43439 and 43828 of 2016
And
WMP Nos.37301, 37302 and 37653 of 2016 and 3120 and 3121 of 2017

P.Ganga Shree	..	Petitioner in WP 43438/2016
K.Kothaimathi	..	Petitioner in WP 43439/2016
P.R.Reshmi	..	Petitioner in WP 43828/2016

-vs-

1.State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai-600 005.

3.The Joint Commissioner (CT),
Chennai East Division,
Chennai-600 006. .. Respondents in all WPs

WPs 43438, 43439 and 43828 of 2016 are filed under Article 226 of the Constitution of India, praying for the issue of Writs of Certiorari, calling for the charge memo of the third respondent dated 10.3.2016 in Ref.Nos.969/2016/A3-III, 969/2016/A3-III and 969/2016/A3-IV and quash the same.

For Petitioner in all WPs - Mr.Adithya Reddy
For Respondents in all WPs - Mr.S.Kanmani Annamalai, Addl. Govt. Pleader (Taxes).

COMMON ORDER

The charge memo dated 10.3.2016 is under challenge in these writ petitions.

2. The charges are relating to the participation of the employees in a strike.

3. The learned counsel appearing for the writ petitioners made a submission that many other persons, who had participated in the very same strike were exonerated and no charges were framed against them. This apart, the charges were framed on personal vengeance and on the ground of mala fides. In this regard, the writ petitioners also filed petitions, seeking impleadment of an authority in their personal capacity.

4. However, the learned Additional Government Pleader, appearing on behalf of the respondents, made a submission that the Government issued G.O.(D) No.307, Commercial Taxes and Registration (A1) Department, dated 14.7.2017, regularising the period of strike in respect of the employees, who had participated and further directions were issued to treat the period as leave available

under the individual credit. Since the period of strike was condoned and the Government also issued directions to regularise the period, the question of continuance of charge memo does not arise at all, since the very charge memo is relating to the persons during the strike period.

5. However, the writ petitioners are at liberty to make representations before the respondents in this regard based on the said G.O.(D) No.307, Commercial Taxes and Registration (A1) Department, dated 14.7.2017 and on receipt of such representations from the writ petitioners, the respondents are directed to consider the same in accordance with the said Government Order (cited supra) and pass appropriate orders, within a period of six weeks thereafter.

6. Accordingly, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18-09-2017

Speaking/Non speaking Order

Index : yes/no

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S.M.SUBRAMANIAM, J.

Svn

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Commercial Taxes and Registration
Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Commercial Taxes,
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Chepauk,
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WPs 43438, 43439 and 43828/2016

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